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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,727	09/25/2003	Yasushi Mochizuki	CFA00030US	9429

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CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION
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EXAMINER

AMINI, JAVID A

ART UNIT	PAPER NUMBER
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2628

MAIL DATE	DELIVERY MODE
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09/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/672,727		MOCHIZUKI ET AL.	
	Examiner		Art Unit	
	JAVID A. AMINI		2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 37-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 37-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/24/2008 has been entered.

Response to Arguments

Applicant's amendment with respect to claims 1, 37-66 have been considered but are moot in view of the new ground(s) of rejection, because the amended part of the claimed invention recited "wherein positions and/or sizes of the area to be cut out are changed from position and/or sizes of the trimming areas determined by the trimming area determination unit", that means the size/position of an extracted part of the trimmed area are changed, another words is not the same as the trimming area. As the new cited reference Takanashi teaches in figs. 9 a frame 232 can be set while an aspect ration thereof is being fixedly held, examiner believes a user can change the size/position of 232 using the four corner points (232A-D) shown in fig. 7.

The claim objection of claim 66 has been withdrawn, and the computer-readable medium in the preamble of claim 66 is directed to a storage medium only, see page 38 paragraph 01117.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2628

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 37-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al., 6,016,362 ("Kato"), and further in view of Takanashi et al. US 6,313,923 B1, hereinafter Takanashi.

37. An image processing apparatus comprising:

an image designating unit adapted to designate continuous plurality images from an original range of images comprising a plurality of images (Kato, e.g. the "maker" of the image sequence specifies how each image in the sequence is to be cut, so that selecting continuous images is obvious, see column 3, lines 2-3, 8-9, 14-16, 23-27, 34-36, 39-42, 46-48, 51-53, 56-58, 65-67; column 4, lines 6-7, 11-12; and explicitly, a "sequence is made ... with a telecine apparatus" in column 4, lines 49-55, so that continuous images must obviously be designated, since they could not otherwise be cut; and "the resulting sequence of images ... is regarded as one with director's approval" in column 4, lines 64-65, so it is clear continuous images are designated);

a trimming area determination unit adapted to determine trimming areas of at least two images from continuous plurality images designated by the image designating unit (Kato, column 6, lines 43-53, a rectangular 4:3 area with Xe center, Film_e_width, and Film-height is "designated");

an area determination unit adapted to determine, based on the trimming areas determined by the trimming area determination unit, an area to be cut out of each of remaining continuous plurality images designated by the image designating unit, the remaining continuous plural images other than the at least two images in which trimming areas have been determined by the

Art Unit: 2628

trimming area determination unit (Kato, the paragraph bridging cols. 7-8), **wherein positions and/or sizes of the area to be cut out are changed from position and/or sizes of the**

trimming areas determined by the trimming area determination unit; Examiner's

comments regarding "... the trimming areas determined by the trimming area determination unit", Kato the paragraph bridging cols. 1-2 or in fig. 9 teaches clearly information on cutting-out positions on a film designated by a filmmaker is input to a telecine apparatus. The telecine apparatus cuts out portions of frames on the film in accordance with the cutting-out position information, thereby making a sequence of 4:3 edge-cropped images. Examiner's note: the telecine apparatus enables a motion picture, captured originally on film, to be viewed with standard video equipment, such as televisions, video cassette decks or computers, and the maker/filmmaker/director supervises the conversion into right formats e.g., TV format, Video format, Computer format.

a generating unit adapted to cut out the trimming areas determined by the trimming area determination unit and the area to be cut out determined by the area determination unit, and to generate a range of continuous images comprising the continuous plurality images (Kato, column 9, lines 25-50).

Kato does not teach the amended part of the claim as **wherein positions and/or sizes of the area to be cut out are changed from position and/or sizes of the trimming areas determined by the trimming area determination unit;**

However, Takanashi teaches **wherein positions and/or sizes of the area to be cut out are changed from position and/or sizes of the trimming areas determined by the trimming area determination unit;** it is noted in fig. 7 the area 232 to be extracted/cut out/determined by

Art Unit: 2628

four points which indicated four corners of the image region (232A-D), and in figs. 9A-B illustrates the image regions can be reduced/enlarged using 238, see col. 17, lines 22-37, it would have been obvious to one of ordinary skill in the art to recognize using any of the four corner may change the size or relocate the extracted of image region.

Thus, it would have been obvious to a person skill in the art at the time of the invention to combine Takanashi into Kato, in order to achieve what the claimed invention recited.

61. An image processing apparatus according to claim 37,

wherein the area determination unit is adapted to determine a position and/or size of the trimming areas of each of the continuous plurality images designated by the image designating unit so as to proportionally change from the trimming area of the image determined by the trimming area determination unit to the trimming area of the other image determined by the trimming area determination unit is provided by Kato by a proportional change ratio of 4:3 in column 6, lines 43-67.

For claims 1, 38-66, see the rejection of claim 37. A start and end frame are clearly obvious in the sequence of Kato.

Alternatively,

Claims 37, 65-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owens et al. (US 2003/0202110), hereinafter Owens, and further in view of Takanashi.

An image processing apparatus comprising: an image designating unit adapted to designate continuous plural images-from an original range images comprising a plurality of images;

(Owens discloses selecting or designates a plurality of continuous images, which is disclosed by the "sequence of images [0014], or GOP (group of pictures) from MPEG definition

Art Unit: 2628

[0015] wherein the video is partitioned into segments [0016] which the claimed "to designate continuous plural images from an original range of images".)

a trimming area determination unit adapted to determine trimming areas of at least two images from the continuous plural images designated by the image designating unit;

(Next, Owens discloses in paragraph [0018] "The operator... can pause the video or sequence so that a single image is presented within area 106 for consideration" then allows the operator to "...zoom in or out so that area 106 includes an entire image or only a part of an image..." and finally "Image processing, including for example...auto-cropping may be performed on a selected image".

This paragraph clearly discloses trimming areas. Further as to "at least two images from two from continuous plural images ... this is disclosed in the first 2 lines of paragraph [0019] which states, "Once an image or sequence of images for one area is selected..."

an area determination unit adapted to determine, based on the trimming areas determined by the trimming area determination unit, an area to be cut out of each of remaining continuous plurality images designated by the image designating unit, the remaining continuous plural images other than the at least two images in which trimming areas have been determined by the trimming area determination unit, **wherein positions and/or sizes of the area to be cut out are changed from position and/or sizes of the trimming areas determined by the trimming area determination unit;** and

(The area determination unit is disclosed by the process of the operator selecting a "part of an image" as disclosed in paragraph [0018], and at last sentences of paragraph [0018] disclosed auto-cropping may be performed on a selected image)

Art Unit: 2628

a generating unit adapted to cut out the trimming areas determined by the trimming area determination unit and the area to be cut out determined by the area determination unit, and to generate a range of continuous images comprising the continuous plurality images.

(Once one or more of "part of an image", the "sequence of imaged for one area is selected" and presented in area 106. That is, the generating unit ... to generate a range of continuous images is disclosed by the step of providing a "sequence of sill images" to one of the selected regions such as region 104, 106, 108, etc., see also paragraph [0020].)

Owens does not teach the amended part of the claim as **wherein positions and/or sizes of the area to be cut out are changed from position and/or sizes of the trimming areas determined by the trimming area determination unit;**

However, Takanashi teaches **wherein positions and/or sizes of the area to be cut out are changed from position and/or sizes of the trimming areas determined by the trimming area determination unit;** it is noted in fig. 7 the area 232 to be extracted/cut out/determined by four points which indicated four corners of the image region (232A-D), and in figs. 9A-B illustrates the image regions can be reduced/enlarged using 238, see col. 17, lines 22-37, it would have been obvious to one of ordinary skill in the art to recognize using any of the four corner may change the size or relocate the extracted of image region.

Thus, it would have been obvious to a person skill in the art at the time of the invention to combine Takanashi into Owens, in order to achieve what the claimed invention recited.

Claims 65-66 are rejected with similar reasons as set forth in claim 37, above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAVID A. AMINI whose telephone number is (571)272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Javid A Amini
Examiner
Art Unit 2628

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